



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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November 13, 2007

Curt Crawford
Stormwater Services Section Manager
King County Water and Land Resources Division
201 South Jackson St., Suite 600
Seattle, WA 98104-3855

RE: Non-stormwater Discharge Prohibition Requirement under the Phase I Municipal Stormwater Permit (WAR04-4501)

Dear Mr. Crawford,

Thank you for your letter, dated September 5, 2007, which documents King County's concerns regarding residential car washing and how it is addressed in the County's existing water quality code (KCC 9.12). The following information is provided in response to your letter.

As you know, the Phase I Municipal Stormwater Permit (S5.C.8.ii) requires King County to "evaluate, and if necessary update, existing ordinances or other regulatory mechanisms to effectively prohibit non-stormwater, illegal discharges, and/or dumping" into the municipal separate storm sewer system (MS4). This permit condition goes on to list specific categories of discharges that do not need to be prohibited as well as specific categories of discharges that *shall* be prohibited unless certain conditions are met. Based upon my review of KCC 9.12, the existing KCC language is not consistent with the permit requirements and must be updated accordingly by August 16, 2008 in order to comply with the subject permit condition.

For example, discharge types which shall be prohibited [permit condition S5.C.8.ii(2)] include discharges from potable water sources, including water line flushing, and discharges from lawn watering. Currently, these non-stormwater discharges are listed in KCC 9.12.025(B) as *not prohibited*. This code will need to be updated with respect to prohibited and allowed discharges to the County's MS4.



As you know, residential car and boat washing is also currently *not prohibited* by KCC 9.12. This is inconsistent with the Phase I Municipal Stormwater Permit, is internally inconsistent with KCC 9.12, and is contradictory to public outreach campaign efforts.

- The Phase I Municipal Stormwater Permit does not require that local governments explicitly identify all prohibited discharges and contaminants. It does require that all non-stormwater discharges to the MS4, except those specifically listed in [S5.C.8.ii(1)], be prohibited. In addition, the discharges listed in S5.C.8.ii(2) could be considered conditionally allowed if the specified criteria are met. Potentially, the structure of KCC 9.12 could be revised to avoid the problem of explicitly identifying residential car washing on a list of prohibited (or allowed) discharges to the MS4.
- KCC 9.12 is internally inconsistent because it currently allows residential car and boat washing discharges while at the same time prohibiting the discharge of contaminants that are found in residential car wash effluent (petroleum products, metals, soaps).
- Public education and outreach campaigns conducted in accordance with the Phase I Municipal Stormwater Permit are required to address “vehicle maintenance” and “use of car wash soaps” topics for the general public. Ecology applauds King County’s effort to take a leadership role in developing a smart and permit-compliant regional public education and behavior change campaign. Having residential car washing listed as an allowed discharge to the MS4 does, however, send a contradictory message to the public and may be counterproductive for encouraging behavior change.

Perhaps, with changes to the County’s water quality code that aligns it with permit requirements, the concerns held by the King County Council regarding residential car and boat washing [and possibly other non-stormwater discharges listed in KCC 9.12.025(B)] could be adequately addressed by a thoughtful investigation/response/enforcement policy that promotes technical assistance and education for certain types of non-stormwater discharges to the MS4. As you know, residential vehicle washing in and of itself is not the prohibited activity; instead it is the discharge of residential vehicle wash effluent to the MS4 which is subject to prohibition under the municipal stormwater permits.

Per your request, I have confirmed this response with Kevin Fitzpatrick, Section Manager for the Northwest Regional Office (NWRO) Water Quality Program. Please feel free to contact me to discuss this information or brainstorm possible solutions. Of course Ecology would be happy to participate in Council meetings to describe the permit requirements and how they relate to residential car wash discharges to the MS4. Thank you for your efforts to improve stormwater management.

Sincerely,

A handwritten signature in black ink that reads "Rachel McCrea". The signature is fluid and cursive, with a long horizontal flourish extending from the end of the name.

Rachel McCrea
Municipal Stormwater Specialist
Department of Ecology NWRO

cc: Kevin Fitzpatrick, Water Quality Section Manager, Dept. of Ecology NWRO
permit file